THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITON NO. 4925 OF 2006

DATED: 14-03-2006

BETWEEN:

Smt. Muddapuram Sadguna

W/o. late M. Jangamaiah … Petitioner

And

Hyderabad Urban Development Authority,

Rep.by its Vice Chairman and Managing Director

And five others …Respondents

THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITON NO. 4925 OF 2006

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ORDER:

Petitioner filed the writ petition seeking to declare the action of the respondents in not implementing the orders in I.A.No.3069 of 2004 in O.S.No.183 of 2004 on the file of District Court, R.R. District, L.B.Nagar as illegal and arbitrary.

Heard the learned counsel for the petitioner and the learned counsel appearing for the respondents and perused the material on record.

It is the case of the petitioner that the petitioner filed a suit for partition in O.S.No.183/2004 on the file of the Principal District Judge, Ranga Reddy District against her sons who are the respondents 4 to 6 herein and the 3rd respondent and pending disposal of the said suit, the order dated 24-11-2005 in I.A.No.3069 of 2004

in O.S.No.183 of 2004 has been passed directing the respondents 3 to 6 herein from changing or altering the nature of schedule property pending disposal of the suit. Schedule property of the said suit is agricultural land bearing S.No.214/A admeasuring Ac.3.33 guntas situated at Jeedimetla village, Qutbullapur Municipality and Mandal, Ranga Reddy District, bounded on North: land in Survey No.216, South: Patigadda village, East: Portion of the land in Survey No.214/A and on West: 40 feet road leads to Qutbullapur village to N.H. It is stated that the third respondent is making an attempt to develop the said land and also trying to raise a compound wall by violating the court order.

I am of the opinion that the civil court order is equally binding on the authorities and contrary to the civil court order, the respondents 1 and 2 cannot permit 3rd respondent or any other person to change or alter the nature of the said land. If there is any violation of the civil court order, it is always open to the petitioner to take appropriate action under Order 39 Rule 2(A) for disobedience or breach of court order. If the respondents 1 and 2 violate the said order, it is also open for the petitioner to take appropriate action against all the respondents herein including the official respondents. It is further stated that the petitioner made a representation on 09-12-2005 and 14-02-2006 before the Commissioner/second respondent to implement the said civil court order. When there is an affective alternative remedy to get the civil court order to be implemented under Order 39 Rule 2A, I am of the opinion that the petitioner is not entitled to seek the same by filing this writ petition and hence the writ petition is not maintainable.

Writ petition is accordingly disposed of with the above said observation and the respondents 1 and 2 are directed to dispose of the representation of the petitioner, dated 09.12.2005 and 14.02.2006 in accordance with law.

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V. ESWARAIAH, J.

Dated: 14-03-2006

Note:

Issue C.C.within three days.

(B/O)

RNS